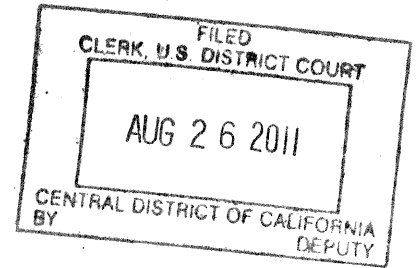


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7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 LAURA MAYBAUM, on behalf of
12 herself and all others similarly situated,

13 Plaintiff,

14 vs.

15 TOYS "R" US, INC., a Delaware
16 corporation, TOYS "R" US-
17 DELAWARE, INC., a Delaware
18 corporation, TOYSRUS.COM, INC., a
19 Delaware corporation, BABIES "R" US,
20 INC., a Delaware corporation,
21 BABIESRUS.COM, LLC, a Delaware
22 limited liability company and DOES 1
23 through 20, inclusive,

24 Defendants.

Case No. **LACV11-7063** (PJWx)

**NOTICE OF REMOVAL OF
CIVIL ACTION TO UNITED
STATES DISTRICT COURT BY
DEFENDANTS**

21 **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**
22 **DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HER**
23 **ATTORNEYS OF RECORD:**

24 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1441 and 1446,
25 defendants Toys "R" Us, Inc. and Toys "R" Us – Delaware, Inc. ("Defendants")
26 remove the above-entitled action from the Superior Court of the State of California
27 for the County of Los Angeles to the United States District Court for the Central
28 District of California, and in furtherance of this removal avers:

1 1. On or about July 26, 2011, plaintiff Laura Maybaum, on behalf of
 2 herself and all others similarly situated, (“Plaintiff”) commenced this action by
 3 filing a complaint in the Superior Court of the State of California, County of Los
 4 Angeles, entitled *Laura Maybaum, on behalf of herself and all others similarly*
 5 *situated v. Toys “R” Us, Inc., et al.*, Case No. BC466115, alleging the following
 6 causes of action: (1) Fraud; (2) Unjust Enrichment; (3) Breach of Implied Covenant
 7 of Good Faith and Fair Dealing; (4) Violation of Consumer Legal Remedies Act
 8 [Civ. Code Sections 1770, 1780]; (5) Violation of the Unfair Competition Law
 9 [Cal. Bus. Prof. Code Section 17200]; and (6) Unlawful Business Practices [Cal.
 10 Bus. Prof. Code Section 17500, *et seq.* [Declaration of Joseph Duffy in Support of
 11 Notice of Removal of Civil Action to United States District Court by Defendant
 12 (“Duffy Decl.”), ¶ 4.]

13 2. Plaintiff has not yet served Defendants with a summons and a copy of
 14 the complaint.¹ [Duffy Decl., ¶ 5.]

15 3. As Plaintiff has not yet effectuated service on Defendants, this Notice
 16 of Removal is timely under 28 U.S.C. § 1446(b). *See Murphy Bros., Inc. v.*
 17 *Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-348; 199 S. Ct. 1322; 143 L. Ed.
 18 2d 448 (1999).

19 4. **JURISDICTION.** This action is one over which this Court has
 20 original jurisdiction under 28 U.S.C. § 1332(d)(2) and is one which may be
 21 removed by Defendants pursuant to 28 U.S.C. § 1441. This is a civil putative class
 22 action where the amount in controversy exceeds the sum of \$5,000,000, exclusive
 23 of interest and costs, and any member of the putative class is a citizen of a State
 24 different from any defendant.

27 ¹ Through this Notice of Removal, Defendants do **not** waive their right to later
 28 contest service of process when/if Plaintiff serves them with the Summons and
 Complaint.

1 5. **DIVERSITY OF CITIZENSHIP.** Defendant Toys “R” Us, Inc., at
 2 all pertinent times, was and is a corporation organized and existing under the laws
 3 of the State of Delaware, with its principal place of business in Wayne, New Jersey.
 4 [Lee Decl., ¶ 4.]

5 6. Defendant Toys “R” Us – Delaware, Inc., at all pertinent times, was
 6 and is a corporation organized and existing under the laws of the State of Delaware,
 7 with its principal place of business in Wayne, New Jersey. [Lee Decl., ¶ 5.]

8 7. Purported Defendants Toysrus.com, Inc., Babies “R” Us, Inc., and
 9 Babiesrus.com, LLC are no longer actual corporate entities. Toysrus.com and
 10 Babiesrus.com are websites operated by Toys “R” Us-Delaware, Inc. and are not
 11 incorporated entities. [Lee Decl., ¶ 6.] To the extent they are entities at all, they
 12 are therefore operating divisions of a Delaware corporation with its principal place
 13 of business in New Jersey.

14 8. For purposes of diversity, a corporation is a citizen of both the State in
 15 which it is incorporated and the State that constitutes the corporation’s “principal
 16 place of business.” 28 U.S.C. § 1332(c)(1). Therefore, Defendants are considered
 17 citizens of Delaware and New Jersey.

18 9. According to the Complaint, Plaintiff Laura Maybaum, an individual,
 19 is now, and at all times mentioned in the Complaint was, a resident of Los Angeles
 20 County, California. [See Ex. 1, ¶ 1.] For purposes of diversity, an individual is
 21 deemed to be domiciled in the state where (1) he or has physical presence and (2)
 22 an intent to remain in the State. *Lew v. Moss*, 797 F.2d 747, 750 (9th Cir. 1986).
 23 As Plaintiff resides in the state of California and has resided in the state of
 24 California at all times mentioned in the complaint, Plaintiff is a citizen of
 25 California. *Id.*

26 10. Plaintiff brings this action on behalf of herself and all others similarly
 27 situated: “All persons in California who purchased retail items from Defendants at
 28 Defendant’s stores with a Toys “R” Us or Babies “R” Us ‘Gift Card’ since July 22,

1 2007, and who received less than the purchase price when returning said retail
2 items to Defendants.” [See Ex. 1, ¶ 19.]

3 11. Pursuant to 28 U.S.C. § 1332(d)(2)(A), diversity of citizenship exists
4 when “any member of a class of plaintiffs is a citizen of a State different from any
5 defendant. As the named Plaintiff is a citizen of California and all Defendants are
6 citizens of Delaware and New Jersey, there is complete diversity in this action.
7 [See Ex. 1, ¶ 1; [Lee Decl., ¶¶ 4-6.]

8 12. **AMOUNT IN CONTROVERSY IS SATISFIED.** In the Complaint,
9 Plaintiff purports to seek, *inter alia*, alleged damages arising from Defendants’
10 purported conduct regarding certain promotions. [See Ex. A, ¶¶ 14-17.] Plaintiff
11 alleges that she and the putative class members made purchases of items from Toys
12 “R” Us that came with free promotional gift cards. [*Id.* at ¶ 15.] Plaintiffs appear
13 to incorrectly claim that Defendants “had an unfair and unlawful practice regarding
14 its advertising, sale of, redemption, and return of retail items purchased with Toys
15 “R” Us gift cards and gift card related promotions.” [*Id.* at ¶ 15.] Defendants deny
16 such allegations. Under the Consumer Legal Remedies Act (“CLRA”), Plaintiff
17 and the putative class, if successful on their claims, could recover “actual damages,
18 but in no case shall the total award of damages in a class action be less than one
19 thousand dollars (\$1,000)” in addition to “punitive damages.” Cal. Civ. Code §
20 1780(a).

21 13. In approximately 94,545 instances since 2009, Toys “R” Us customers
22 who purchased items that came with free promotional gift cards subsequently
23 returned those items without returning the free promotional gift cards. The value of
24 those free gift cards that the customers failed to return totals more than \$1 million.
25 [Lee Decl., ¶ 8.]

26 14. In addition, Plaintiffs appear to be seeking damages relating to Toys
27 “R” Us’s sales of items that came with free promotional gift cards. Since 2009, the
28 total value of those sales exceeded \$114 million. [Lee Decl., ¶ 11.] Presumably,

1 Plaintiffs will improperly and incorrectly and without proper legal basis seek some
 2 percentage of that number as damages in this case. Although Toys “R” Us
 3 expressly denies that Plaintiffs are entitled to any such relief, even if Plaintiffs seek
 4 only 5% of this amount, the \$5,000,000 threshold is satisfied. [Lee Decl., ¶¶ 7-11.]

5 15. Plaintiff also seeks punitive damages.

6 16. As a result, based on the allegations of the Complaint, the amount in
 7 controversy here exceeds the sum or value of \$5,000,000 under 28 U.S.C. §
 8 1332(d)(2), exclusive of interest and costs.

9 17. **VENUE IS PROPER.** Venue is proper in this district, pursuant to
 10 28 U.S.C. § 1441(a), because the District Court for the Central District of
 11 California is the judicial district embracing the place where the state court case is
 12 pending. 28 U.S.C. § 1441(a).²

13 18. Defendants will promptly serve Plaintiff with this Notice of Removal
 14 and will promptly file a copy of this Notice of Removal with the Clerk of the
 15 Superior Court of the State of California in and for the County of Los Angeles as
 16 required under 28 U.S.C. § 1446(d).

17 19. The Complaint, attached hereto as Exhibit A, and an August 17, 2011
 18 Order deeming the case non-complex and transferring it to Department 57 of the
 19 Los Angeles Superior Court, attached hereto as Exhibit B, constitute all pleadings
 20 and orders of which Defendants are aware in this action. No proceedings have been
 21 conducted in the Superior Court of California in connection with the State Court
 22 Action. [Duffy Decl., ¶ 6.]

23 20. There are no other named parties to this action, at this time.³ [Duffy
 24 Decl., ¶ 7.]

25
 26 ² By averring that venue is proper in this Court for purposes of removal,
 27 Defendants do not waive their right to later seek a change of venue under 28
 U.S.C. § 1404.

28 ³ See ¶ 7, *supra*. Toysrus.com, Inc., Babies “R” Us, Inc., and Babiesrus.com, LLC
 are not properly named entities.

1 **NOW THEREFORE**, Defendants remove this case from the Superior Court
2 of the State of California in and for the County of Los Angeles to the United States
3 District Court for the Central District of California.

4
5 Dated: August 26, 2011

MORGAN, LEWIS & BOCKIUS LLP

6
7 By

Joseph Duffy

Attorneys for Defendants

EXHIBIT A

90012
A10000

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 26 2011

John A. Clarke/Executive Officer/Clerk

By Amber Lafleur-Clayton Deputy
AMBER LAFLEUR-CLAYTON

CCW
D.324 Emilie Elias

Attorneys for Plaintiff, LAURA MAYBAUM, on behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LAURA MAYBAUM, on behalf of herself and
all others similarly situated,

Case No.

BC466115

Plaintiff

CLASS ACTION

COMPLAINT FOR:

vs.

TOYS "R" US, INC., a Delaware corporation,
TOYS "R" US-DELAWARE, INC., a Delaware
corporation., TOYSRUS.COM, INC., a
Delaware corporation., BABIES "R" US, INC.,
a Delaware corporation, BABIESRUS.COM,
LLC, a Delaware limited liability company and
DOES 1 through 20, inclusive,

1. FRAUD
2. UNJUST ENRICHMENT
3. BREACH OF IMPLIED COVENANT
OF GOOD FAITH AND FAIR
DEALING
4. VIOLATION OF CONSUMER LEGAL
REMEDIES ACT [Civ. Code Sections
1770, 1780]
5. VIOLATION OF THE UNFAIR
COMPETITION LAW [Cal. Bus. Prof.
Code Section 17200]
6. UNLAWFUL BUSINESS PRACTICES
[Cal. Bus. Prof. Code Section 17500
seq.]

Defendants.

DEMAND FOR JURY TRIAL

CHECK: 945.00
CASH:
CHANGE:
CARD:

CIT/CASE: BC466115 LEA/DEF#:
RECEIPT #: CME03057038
DATE PAID: 07/26/11 12:29:10 PM
PAYMENT: \$945.00 0310

CLASS ACTION COMPLAINT

1 Plaintiff LAURA MAYBAUM ("Plaintiff") hereby alleges, on behalf of herself and all
 2 others similarly situated, the following causes of action against TOYS "R" US, INC., a Delaware
 3 corporation, TOYS "R" US-DELAWARE, INC., a Delaware corporation., TOYSRUS.COM,
 4 INC., a Delaware corporation., BABIES "R" US, INC., a Delaware corporation,
 5 BABIESRUS.COM, LLC, a Delaware limited liability company, and DOES 1 through 20,
 6 inclusive as follows:

7 **I.**

8 **PARTIES**

9 **A. Plaintiff**

10 1. Plaintiff LAURA MAYBAUM ("Maybaum" or "Plaintiff"), is an individual and
 11 is now, and at all times mentioned in this complaint was, a resident of Los Angeles County,
 12 California.

13 **B. Defendants**

14 2. Defendant TOYS "R" US, INC., is now, and at all times mentioned in this
 15 complaint was, a corporation organized and existing under the laws of the State of Delaware,
 16 with its principal place of business in Wayne, New Jersey. Toy "R" Us, Inc. regularly and
 17 systematically sells its goods and products in Los Angeles, California.

18 3. Defendant TOYS "R" US-DELAWARE, INC., is now, and at all times mentioned
 19 in this complaint was, a corporation organized and existing under the laws of the State of
 20 Delaware, with its principal place of business in Wayne, New Jersey. Toy "R" Us-Delaware,
 21 Inc. regularly and systematically sells its goods and products in Los Angeles, California.

22 4. Defendant TOYSRUS.COM, INC., is now, and at all times mentioned in this
 23 complaint was, a corporation organized and existing under the laws of the State of Delaware,
 24 with its principal place of business in Wayne, New Jersey. Toysrus.com regularly and
 25 systematically sells its goods and products in Los Angeles, California.

26 5. Defendant BABIES "R" US, INC., is now, and at all times mentioned in this
 27 complaint was, a corporation organized and existing under the laws of the State of Delaware,
 28

1 with its principal place of business in Wayne, New Jersey. Babies "R" Us, Inc. regularly and
2 systematically sells its goods and products in Los Angeles, California.

3 6. Defendant BABIESRUS.COM, LLC is now, and at all times mentioned in this
4 complaint was, a corporation organized and existing under the laws of the State of Delaware,
5 with its principal place of business in Wayne, New Jersey. Babiesrus.com, LLC regularly and
6 systematically sells its goods and products in Los Angeles, California.

7 7. Defendants TOYS "R" US, INC., a Delaware corporation, TOYS "R" US-
8 DELAWARE, INC., a Delaware corporation., TOYSRUS.COM, INC., a Delaware corporation.,
9 BABIES "R" US, INC., a Delaware corporation, and BABIESRUS.COM, LLC, are collectively
10 referred to as "Defendants" or "Toys "R" Us."

11 8. The Superior Court of the State of California for the County of Los Angeles has
12 jurisdiction over Toys "R" Us because Defendants have qualified with the California Secretary
13 of State to do business and is doing business in Los Angeles County, California.

14 9. Plaintiff does not know the true names and capacities, whether individual,
15 corporate, associate, or otherwise, of defendants sued herein as DOES 1 to 20, inclusive, and
16 therefore sues them by those fictitious names pursuant to California Code of Civil Procedure
17 § 474. Plaintiff is informed and believes, and based thereon alleges, that each of the defendants
18 designated herein as a DOE is legally responsible in some manner for the unlawful acts referred
19 to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and
20 capacities of the defendants designated hereinafter as DOES when such identities become
21 known.

22 10. Plaintiff is informed and believes, and based thereon alleges, that each defendant
23 mentioned in this complaint, acted in all respects pertinent to this action as the agent of the other
24 defendants, carried out a joint scheme, business plan or policy in all respects pertinent hereto,
25 and the acts of each defendant are legally attributable to the other defendants.

26 11. Business and Professions Code section 17203 provides that any person who
27 engages in unfair competition may be enjoined in any court of competent jurisdiction. Business
28

1 and Professions Code section 17204 provides that any person acting for the interests of itself, its
2 members or the general public may bring an action in a court of competent jurisdiction. Thus,
3 the above entitled court maintains appropriate jurisdiction to hear this matter.

4 II.

5 FACTUAL ALLEGATIONS

6 12. At all times mentioned in this Complaint, Toys "R" Us was and is in the business
7 of selling retails toys, games, electronics, and juvenile products to the consumer public at large.

8 13. Toys "R" Us markets and sells "gift cards" associated with Defendant's Rewards
9 'R' Us program, Geoffrey's Birthday Club, promotional free Gift Cards with purchase, and Buy
10 One Get One 50% Off.

11 14. Plaintiff is a California consumer who has purchased product from Defendant's
12 Toys "R" Us stores in California since December of 2009, and who earned and used Defendant's
13 "Free Gift Card with Purchase," and/or "Buy One Get One 50% Off" promotions.

14 15. Plaintiff alleges that over the last four years, and continuing to the present, Toys
15 "R" Us has had an unfair and unlawful practice regarding its advertising, sale of, redemption,
16 and return of retail items purchased with Toys "R" Us gift cards and gift card related
17 promotions. Plaintiff alleges that when retail items are purchased from Defendants with a "Gift
18 Card" Plaintiff and the Putative Class are refunded less than what they are owed. Plaintiff
19 alleges that this policy and practice of Toys "R" Us with these promotions violated California
20 law prohibiting retailers from giving less than full cash credit refunds unless they have a more
21 restrictive refund policy and post it or otherwise provide notice.

22 16. On information and belief, Plaintiff alleges that by doing this, Toys "R" Us has
23 also violated, among other laws, the California Consumer Legal Remedies Act, California Civil
24 Code section 1750, et seq., specifically, sections 1770 (9), (13), (14), (17) and (20).

25 17. Plaintiff alleges that Toys "R" Us has made, and continues to make false, and
26 misleading statements, and has concealed, and continues to conceal, material information in the
27 marketing and advertising of its promotions to consumers from about May of 2007 to the
28

1 present, in violation of the law and to the detriment of its customers who participate in these
 2 promotions. Plaintiff reserves the right to amend or add to these claims as Plaintiff's
 3 investigation into this matter continues.

4 III.

5 CLASS ALLEGATIONS

6 18. Plaintiff brings this action on behalf of herself and on behalf of all persons
 7 similarly situated, as more fully explained below. This action is brought and may properly be
 8 maintained as a class action pursuant to the provisions of California Code of Civil Procedure
 9 section 382 and other applicable law pertaining to class actions. Plaintiff alleges on information
 10 and belief that the class size is in excess of 100,000 members.

11 19. Plaintiff, also referred to as proposed Class Plaintiff, seeks to represent a class of
 12 consumers defined as follows:

13 All persons in California who purchased retail items from Defendants at
 14 Defendant's stores with a Toys "R" Us or Babies "R" Us "Gift Card" since July
 15 22, 2007, and who received less than the purchase price when returning said retail
 16 items to Defendants.

17 20. Plaintiff reserves the right to amend or modify the class description with greater
 18 specificity or further division into subclasses or limitation to particular issues.

19 21. This action is brought and may properly be maintained as a class action pursuant
 20 to the provisions of California Code of Civil Procedure section 382 and other applicable law
 21 pertaining to class actions. There is a well-defined community of interest in the litigation and the
 22 class is easily ascertainable.

23 A. Numerosity

24 22. The potential member of the Class as defined are so numerous that individual
 25 joinder of all members is impractical under the circumstances of this case. While the exact
 26 number of Class Members is unknown to Plaintiff at this time, Plaintiff is informed and believes
 27 and thereon alleges that tens of thousands, if not hundreds of thousands.
 28

1 23. Upon information and belief, Plaintiff alleges that Defendant's business records
2 would provide information as to the number and location of all Class Members. Moreover, there
3 may be multiple violations for individual class members. Defendants' records could provide
4 extensive data on multiple and repeat purchases made by customers to the Company. Joinder of
5 all members of the proposed Class, therefore, is not practicable.

6 **B. Commonality**

7 24. Common questions of law and fact exist as to all Class Members, and
8 predominate over any questions that affect only individual members of the class. The common
9 questions of law and fact include, but are not limited to (i) class definition; (ii) class size; (iii)
10 damages to be awarded to the Class; and (iv) punitive damages consideration.

11 **C. Typicality**

12 25. Plaintiff's claims are typical of the claims of the class Members. Plaintiff and
13 other Class Members sustained losses, injuries and damages arising out of the Defendants'
14 common policies, programs, practices, procedures, and course of conduct referred to in each
15 cause of action and throughout this Complaint, which were applied uniformly to Class Members
16 as well as Plaintiff. Plaintiff seeks recovery for the same types of losses, injuries, and damages
17 as were suffered by the other Class Members as well as Plaintiff.

18 **D. Adequacy of Representation**

19 26. Plaintiff and her counsel will fairly and adequately protect the interests of the
20 class Members. Plaintiff has no interest that is adverse to the interests of the other Class
21 Members.

22 **E. Superiority of Class Action**

23 27. A class action is superior to other available means for the fair and efficient
24 adjudication of this controversy. Individual joinder of all Class Members is impractical. Class
25 action treatment will permit a large number of similarly situated persons to prosecute their
26 common claims in a single forum simultaneously, efficiently, and without the unnecessary
27 duplication of effort and expense that numerous individual actions engender. Also, because the
28

1 losses, injuries and damages suffered by each of the individual Class Members are small in the
 2 sense pertinent to class action analysis, the expenses and burden of individual litigation would
 3 make it extremely difficult or impossible for the individual Class Members to redress the wrongs
 4 done to them. On the other hand, important public interests will be served by addressing the
 5 matter as a class action. The cost to the court system and the public of adjudication of individual
 6 litigation and claims would be substantial, and substantially more than if the claims are treated as
 7 class action. Individual litigation and claims would also present the potential for inconsistent or
 8 contradictory results.

9 IV.

10 CAUSES OF ACTION

11 **First Cause of Action**

12 *Fraud*

13 28. Plaintiff incorporates paragraphs 1 through 27 as though fully set forth herein.

14 29. Defendant by and through their agents/employees and marketing campaigns
 15 willfully deceived Plaintiff and the Putative Class into conducting business with Toys "R" Us
 16 and its affiliates, without informing and/or by intentionally deceiving its retail customers into
 17 believing that when it made purchases toward earning "free Gift Cards with purchase" or when
 18 they made a "Buy One Get One 50% Off" purchase, or an equivalent promotional variation, that
 19 upon return of the item receive the full purchased price, when in fact they would not receive a
 20 full refund.

21 30. Plaintiff and Putative class members did not receive the full purchase price upon
 22 return, but rather would receive only the actual purchase price minus the prorated discount for
 23 the promotion.

24 31. At the time, the aforementioned omissions and/or misrepresentations were made,
 25 Defendant knew that it would not credit the full purchase price paid by its retail customers.
 26 Defendant intentionally misled Plaintiff and the Putative Class in this regard.
 27
 28

32. The aforementioned omissions and/or misrepresentations of material fact induced Plaintiff and the Putative Class into conducting business with Defendant. Plaintiff and the Putative Class would not otherwise have conducted business with Defendant absent these material omissions and/or misrepresentations.

Second Cause of Action
Unjust Enrichment

33. Plaintiff incorporates paragraphs 1 through 32 as though fully set forth herein.

34. Toys "R" Us received a benefit from marketing its "gift card" and "buy one get one" promotions to Plaintiff and the Putative Class, who then used these promotions to shop at Defendants' stores.

35. Toys "R" Us wrongfully and without permission used Plaintiff and the Putative Class's purchases to Toys "R" Us's benefit.

36. It is unjust for Toys "R" Us to keep the monies earned from its wrongful and unjust conduct as alleged herein.

37. Toys "R" Us has been unjustly enriched and Plaintiff and the Putative Class are entitled to restitution of all fees paid to Toys "R" Us related to its "gift card" promotion, declaratory relief and incidental damages.

Third Cause of Action
Breach of Implied Covenant of Good Faith and Fair Dealing

38. Plaintiff incorporates paragraphs 1 through 37 as though fully set forth herein.

39. Toys "R" Us' sales receipts contain an implied covenant of good faith and fair dealing which obligates Toys "R" Us to perform the sale fairly and in good faith, and to refrain from doing any act that would prevent or impede Plaintiff from performing any or all of the conditions of the purchase or return that Plaintiff and the Putative Class agreed to perform, or any act that would deprive Plaintiffs and the Putative Class of the benefit of the sales transaction.

40. Toys "R" Us breached the implied covenant of good faith and fair dealing under the sales transaction by, among other things, engaging in the conduct described herein above.

Fifth Cause of Action*Violation of Unfair Competition Law*(Bus. and Prof. Code § 17200 *et seq.*)

47. Plaintiff incorporates paragraphs 1 through 46 as though fully set forth herein.

48. Beginning at an exact date unknown to Plaintiff but at least since March 5, 2007, Defendant has committed acts of unfair competition, as defined by Business and Professions Code section 17200, by making false or misleading statements of fact concerning reasons for, existence of, or amounts of price reductions; representing that a transaction confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law; and representing that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

49. These acts and practices, as described in paragraph 48 above, violate Business & Professions Code section 17200 in the following respects

50. Defendant's policy/practice of failing to provide full return value or credit violates California Civil Code Section 1770 and, consequently, constitutes an unlawful business act of practice within the meaning of Business and Professions Code section 17200.

51. Defendants practice/policy of promotional "gift cards" is likely to mislead the general public and, consequently, constitutes a fraudulent business act or practice within the meaning of Business and Professions Code section 17200.

52. Defendant's acts of untrue and misleading advertising are, by definition, violations of Business and Professions Code section 17200.

53. The unlawful, unfair, and fraudulent business practices and false and misleading advertising of Defendant, present a continuing threat to members of the public in that more consumers will be misled by the term "free" in believing that they are receiving a benefit simply for their loyalty, when in fact, they are pre-paying for these gift cards.

54. As a result of the aforementioned acts, plaintiff and Class members have lost money or property and suffered injury in fact. Defendant received and continues to hold credit or

1 cash belonging to Plaintiff and the class who paid full price for items purchased and did not
2 receive full credit in return.

3 **Sixth Cause of Action**
4 *Unlawful business practices*
(Bus. and Prof. Code § 17500 *et seq.*)

5 55. Plaintiff incorporates paragraphs 1 through 54 as though fully set forth herein

6 56. Beginning at an exact date unknown to plaintiff but at least since March 5, 2007,
7 Defendant has committed acts of untrue and misleading advertising, as defined by Business and
8 Professions Code section 17500, by engaging in the following acts and practices with intent to
9 induce members of the public to enter into contracts for the purchase of toys: by making false or
10 misleading statements of fact concerning reasons for, existence of, or amounts of price
11 reductions; representing that a transaction confers or involves rights, remedies, or obligations
12 which it does not have or involve, or which are prohibited by law; and representing that the
13 consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit
14 is contingent on an event to occur subsequent to the consummation of the transaction.

15 57. The acts of untrue and misleading advertising by Defendant described in
16 paragraph 56 present a continuing threat to members of the public in that consumers are being
17 cheated out of their money. Plaintiff and other members of the general public have no other
18 adequate remedy of law.

19 V.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff on behalf of herself and all members of the class prays for relief
22 as follows:

- 23 1. That the Court determine that this action may be maintained as a class action;
- 24 2. That Plaintiff be appointed the representative of the class;
- 25 3. That the attorneys of record for Plaintiff whose names appear in this Complaint be
26 appointed Class counsel;
- 27 4. Actual damages in an amount to be proven at trial;
- 28

- 1 5. Punitive damages;
- 2 6. Costs and attorneys' fees;
- 3 7. Interest as permitted by law;
- 4 8. Such other injunctive and equitable relief as the Court may deem proper.

5
6 DATED: July 25, 2011

HAMNER LAW OFFICES, APC

7
8
9 By: Christopher J. Hamner, Esq.,
10 Attorney for Plaintiff, LAURA MAYBAUM, on
11 behalf of herself and all others similarly situated
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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christopher J. Hamner, Esq. (SBN 197117) HAMNER LAW OFFICES, APC 555 W. 5th Street, 31st Floor Los Angeles, California 90013 TELEPHONE NO.: (213) 533-4160 FAX NO.: (213) 533-4167 ATTORNEY FOR (Name): Plaintiff, Laura Maybaum	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold; margin: 10px 0;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES <div style="font-size: 18pt; margin: 10px 0;">JUL 26 2011</div> John A. Clarke / Executive Officer/Clerk By <u>Amber Lafleur-Clayton</u> Deputy AMBER LAFLEUR-CLAYTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District	
CASE NAME: Laura Maybaum v. Toys "R" Us, Inc., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: BC466115 JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/PI/D/W/D (23) Non-P/PI/D/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/PI/D/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Six (6)
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

 Date: July 25, 2011
 Christopher J. Hamner

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: Maybaum v. Toys "R" Us, Inc., et al.	CASE NUMBER BC466115
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE: Maybaum v. Toys "R" Us, Inc., et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Maybaum v. Toys "R" Us, Inc., et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input checked="" type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Maybaum v. Toys "R" Us, Inc., et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: Class actions may be filed in Central District
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: July 25, 2011

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

08/26/11

EXHIBIT B

2136281908

09:39:47 a.m.

08-26-2011

2/3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/17/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC466115

Plaintiff

Counsel

LAURA MAYBAUM

NO APPEARANCES

VS

Defendant

TOYS R US INC ET AL

Counsel

NON-COMPLEX (08-17-11)

NATURE OF PROCEEDINGS:

COURT ORDER

This Court makes its determination whether or not this case should be deemed complex pursuant to Rule 3.400 of the California Rules of Court.

This case is designated non-complex and is reassigned to Judge Ralph W. Dau in Department 57 at Stanley Mosk Courthouse for all further proceedings.

Court orders any complex case fee paid to be refunded.

Plaintiff is ordered to serve a copy of this minute order on all parties forthwith and file a proof of service in Department 57 within five (5) days of service.

Any party objecting to the non-complex designation must file an objection and proof of service in Department 324 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 324 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

2136281908

09:40:09 a.m.

08-26-2011

3 /3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/17/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC466115

Plaintiff

Counsel

LAURA MAYBAUM

NO APPEARANCES

VS

Defendant

TOYS R US INC ET AL

Counsel

NON-COMPLEX (08-17-11)

NATURE OF PROCEEDINGS:

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 08-17-11 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 08-17-11

John A. Clarke, Executive Officer/Clerk

By: _____

K. HILAIRE

HAMNER LAW OFFICES, APC
 Christopher J. Hamner, Esq.
 555 West 5th Street, 31st Floor
 Los Angeles, California 90013